

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

STANDING HEARING OFFICER DIRECTIVE

DOCKET NOS. 2017-2-E and 2018-2-E - ORDER NO. 2018-44-H

APRIL 9, 2018

Standing Hearing Officer: David Butler

DOCKET DESCRIPTION:

Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas Company

Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas Company

MATTER UNDER CONSIDERATION:

Petition to Reconsider Order No. 2018-42-H

STANDING HEARING OFFICER'S ACTION:

This matter comes before this Standing Hearing Officer on the Petition of the South Carolina Coastal Conservation League ("SCCCL") and Southern Alliance for Clean Energy ("SACE") (together, the "Petitioners") to reconsider Order No. 2018-42-H, which granted a Motion to Dismiss filed by South Carolina Electric & Gas Company ("SCE&G"). Order No. 2018-42-H dismissed the Petitioners' Petition for an Order requiring SCE&G to comply with Commission Order No. 2018-55, dated January 24, 2018. After examination of the Petitioners' arguments, I dismiss the Petition to Reconsider.

Clearly, the dispute described by the Petition to Reconsider and the various documents filed by SCE&G is over the meaning of the last sentence in Commission Order No. 2018-55, which reads as follows: "One point the Coastal Conservation League made in its response was a request to require SCE&G to put that proposed rate in its prefiled testimony in the fuel proceeding, and I agree that we ought to require SCE&G to do that." SCCCL and SACE argue that this meant that SCE&G was required to file not just the newly proposed rates with methodology changes, but also the semi-annual PR-2 update without changing the underlying methodology, since this is what SCCCL and SACE referenced and requested as relief in their January 16, 2018 Response to SCE&G's Request for a Waiver of Commission Order 2017-246. See Petition to Reconsider at 2. In turn, SCE&G argues that since the Commission used the terminology "proposed" rate in Order No. 2018-55, the Commission could not have meant that the information based on the previous methodology was to be included in the prefiled testimony, since that rate based on the older methodology was not "proposed" to the Commission for approval. See SCE&G Motion to Dismiss at 5-6.

It is noteworthy that SCCCL and SACE requested the same information that they seek here in discovery, and that the Company provided the four avoided energy costs for PR-2 under the methodology approved in Docket No. 2017-2-E and other information related to SCE&G's calculated avoided energy costs. The Company furnished the information on March 16, 2018, which meant that SCCCL and SACE had the ability and information to propose alternate rates in their direct testimony, which was prefiled in this Docket on March 23, 2018, but the Petitioners chose not to do so.

Accordingly, even if the Petitioners are correct in their interpretation of the Commission's language in Order No. 2018-55, they are not prejudiced by the absence of the information in SCE&G prefiled testimony. Since they have the information, they may use it at trial in the cross-examination of the witnesses for SCE&G, some of whom would have been clearly involved in developing the information provided in the data request.

Considering the fact that the Petitioners are not prejudiced in this matter, no matter how the relevant phrase in Order No. 2018-55 is interpreted, the Petition to Reconsider is denied. The Petitioners (or other parties) may use the desired information as described above in the trial of this case.